



PUBLIC NOTICE

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**Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554**

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**The International Bureau Revises and Reissues the Commission's
List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power
in Foreign Telecommunications Markets**

By this Public Notice, the International Bureau revises and reissues the Commission's "List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets."¹ This Public Notice also summarizes the relevant rule sections that incorporate this list by reference, including, most recently, Commission rules that govern the licensing of submarine cable systems.²

The revised list set forth below shall apply for purposes of implementing Section 1.767(g)(5) of the rules adopted in 2001. This list shall also continue to apply for purposes of implementing the following Commission rules: Sections 43.51(b) (involving reporting contracts and concessions), 63.14 (involving the prohibition on agreeing to accept special concessions), 63.22(e) (involving the provision of switched basic services over authorized facilities-based private lines), and 63.23(d) (involving the provision of switched basic services over authorized resold private lines).

Among the rule changes the Commission adopted in the *Submarine Cable Landing License Order* is a "no special concessions" rule tailored to submarine cables and applicable to all cable landing licensees authorized after the effective date of the rules.³ New rule 1.767(g)(5) prohibits

¹ The revised list of carriers reflects any corrections to carrier names that were incorrect or new names now used by the carriers since this public notice was initially released in 1999.

² See *Review of Commission Consideration of Applications under the Cable Landing License Act*, IB Docket No. 00-106, 16 FCC Rcd 22167 (2001) (*Submarine Cable Landing License Order*).

³ See *Submarine Cable Landing License Order*, Appendix B (Final Rules), Section 1.767(g)(5). For cable landing licenses granted prior to March 15, 2002, all licensees on a cable may jointly file an application with the Commission seeking a modification of the license to substitute the new "no special concessions" safeguard for the

these licensees from accepting directly or indirectly from a foreign carrier with market power in one or more of the cable's destination markets a "special concession" as specified in the rule. Under new Section 1.767(g)(5), a foreign carrier is defined as in Section 63.09(d) of the Commission's rules, except that the term also is defined to include any entity that owns or controls a cable landing station in a foreign market.⁴ For purposes of determining which foreign carriers are the subject of the requirements of Section 1.767(g)(5), the new rule provides that licensees may rely on the Commission's "List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets."⁵

The Commission first adopted its list of foreign carriers that are presumed to possess market power in the *ISP Reform Order*.⁶ In that proceeding, the Commission modified its rules to remove its requirement that agreements between U.S. telecommunications carriers and foreign carriers that lack market power in the foreign telecommunications market conform to the Commission's international settlements policy (ISP). The Commission's rules include a presumption that a foreign carrier does not possess market power on the foreign end of a U.S. international route if it possesses less than 50 percent market share in each of three relevant foreign product markets: international transport facilities, including cable landing station access and backhaul facilities; intercity facilities and services; and local access facilities and services on the foreign end.

The Commission stated that it would issue a list of carriers that do not qualify for this presumption. U.S. international carriers would be precluded from exchanging traffic outside of the ISP with carriers on the list unless otherwise allowed.⁷ U.S.-authorized carriers would also be precluded from agreeing to accept special concessions (as defined in Section 63.14 of the Commission's rules) from carriers on the list unless otherwise allowed under the Commission's rules. The Commission found that this approach best advances the policy of allowing U.S. carriers to enter into arrangements with foreign carriers that lack market power with a minimum of regulatory oversight, while maintaining the ISP for certain arrangements with foreign carriers that possess market power in the foreign market.

broadier prohibition against exclusive arrangements traditionally imposed on cable landing licensees. *See Submarine Cable Landing License Order*, 16 FCC Rcd at 22184, para. 33.

⁴ *See Submarine Cable Landing License Order*, 16 FCC Rcd at 22221, Appendix B (Final Rules), Note to Section 1.767 (the terms "affiliated" and "foreign carrier," as used in this section, are defined as in Section 63.09 except that the term "foreign carrier" also shall include any entity that owns or controls a cable landing station in a foreign market).

⁵ *See Submarine Cable Landing License Order*, 16 FCC Rcd at 22215, Appendix B (Final Rules), Note to Section 1.767(g)(5).

⁶ *1998 Biennial Regulatory Review -- Reform of the International Settlements Policy and Associated Filing Requirements*, IB Docket No. 98-148 and CC Docket No. 90-337, Report and Order and Order on Reconsideration, 14 FCC Rcd 7963 (1999) (*ISP Reform Order*).

⁷ *See List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets*, Public Notice, 14 FCC Rcd 7038 (1999) (Public Notice issuing initial list of foreign carriers presumed to possess market power).

The following list specifies particular foreign carriers that do not qualify for the presumption that a foreign carrier does not possess market power on the foreign end of a U.S. international route if it possesses less than 50 percent market share in each of three relevant foreign product markets: international transport facilities, including cable landing station access and backhaul facilities; intercity facilities and services; and local access facilities and services on the foreign end. The list is based on publicly available information, compiled from official sources, including the International Telecommunication Union. Interested parties may challenge the inclusion or exclusion of any carrier on the list by submitting a petition for declaratory ruling and the appropriate supporting documentation to demonstrate that a carrier included on the list lacks market power or that a carrier not included does not lack market power. This list applies only for purposes of determining those foreign carriers that are subject to our ISP, our rules on providing switched services over private lines, and the No Special Concessions rules for U.S. international common carriers and cable landing licensees. It does not apply for purposes of market power determination under Sections 63.10 (Regulatory classification of international carriers) or Section 63.18 (Contents of applications for international common carriers). The list below will be posted on the International Bureau's World Wide Web site. (<http://www.fcc.gov/ib>).

Destination Market

Dominant Operators

Afghanistan	Cable Alcao Kabul
Albania	Albania Telecom
Algeria	Ministère des Postes et Télécommunications (MPT)
Angola	Angola Telecom
Antigua and Barbuda	Cable & Wireless
Argentina	Telintar
Armenia	Armentel
Australia	Telstra Corporation
Austria	Post and Telekom Austria AG (PTA)
Azerbaijan	Ministry of Communication
Bahamas	Bahamas Telecommunications Corporation (Batelco)
Bahrain	Bahrain Telecommunications Company (BATELCO)
Bangladesh	Bangladesh Telegraph & Telephone Board
Barbados	Barbados External Telecommunications Ltd. (BET)
Belarus	Belarus Telecom
Belgium	Belgacom
Belize	Belize Telecommunications Ltd.
Benin	Office des postes et télécommunications (OPT)
Bermuda	Cable & Wireless Bermuda
Bhutan	Bhutan Telecom
Bolivia	Empresa Nacional de Telecomunicaciones S.A.
Bosnia and Herzegovina	Telecom SRPSKE Telekom Republike Srpske
Botswana	Botswana Telecommunications Corporation (BTC)
Brazil	Embratel

Brunei	Jabatan Telecom Brunei Darussalam (JTB)
Bulgaria	Bulgarian Telecommunications Company (BTC)
Burkina Faso	Office National des Télécommunications (ONATEL)
Burma	Myanmar Posts & Telecommunications
Burundi	Office National des Télécommunications (ONATEL)
Cambodia	Directorate of Posts and Telecommunications (DPTK)
<u>Destination Market</u>	<u>Dominant Operators</u>
Cameroon	Société des Télécommunications Internationales du Cameroun (INTELCAM)
Canada	Aliant Inc., Bell Canada, Manitoba Telecom Services, SaskTel, Telus Communications
Cape Verde	Cabo Verde Telecom Sarl
Central African Rep.	Société Centrafricaine des Télécommunications (SOCATEL)
Chad	Société des Télécommunications Internationales du Tchad (TIT)
Chile	CTC
China	China Telecom
Colombia	Empresa Nacional de Telecomunicaciones
Comoros	Société Nationale des Postes et Télécommunications (SNPT)
Congo	Office National des Postes et des Télécommunications (ONPT)
Costa Rica	Instituto Costarricense de Electricidad (ICE)
Côte d'Ivoire	Société Côte d'Ivoire-TELECOM (CI-TELECOM)
Croatia	Croatia Telecom (HT)
Cuba	Empresa Telecomunicaciones de Cuba S.A. (ETECSA)
Cyprus	Cyprus Telecommunications Company
Czech Rep.	SPT Telecom
Dem. Rep. of Congo	Office Congolais des Postes et des Télécommunications (OCPT)
Denmark	Tele Danmark A/S
Djibouti	Société Telecom International (STID)
Dominica	Telecommunications of Dominica
Dominican Republic	Compañía Dominicana de Teléfonos (CODETEL)
Ecuador	Emetel
	Andinatel
	Pacifictel
Egypt	Egypt Telecom
El Salvador	Compañía de Telecomunicaciones de El Salvador
Equatorial Guinea	La Sociedad Anonima de Telecomunicaciones de la Republica
de Guinea	Guinea Ecuatorial (GETESA)
Eritrea	Telecommunications Services of Eritrea (TSE)
Estonia	Estonian Telephone Company
Ethiopia	Ethiopian Telecommunications Corporation (ETC)
Finland	Sonera Ltd.
France	France Télécom

Gabon	Télécommunications Internationales Gabonaises (TIG)
Gambia	Gambia Telecommunications Company, Ltd. (GAMTEL)
Georgia	Georgia Telecom (GTC)
Germany	Deutsche Telekom AG
Ghana	Ghana Telecommunications Company
Greece	Hellenic Telecommunications Organization (OTE)
<u>Destination Market</u>	<u>Dominant Operators</u>
Grenada	Grenada Telecommunications
Guatemala	Telecomunicaciones de Guatemala (Telgua)
Guinea	Société des Télécommunications de Guinée (SOTELGUI)
Guinea-Bissau	Companhia de Telecomunicações da Guiné-Bissau, sarl (Guiné-Telecom)
Guyana	Guyana Telephone and Telegraph Ltd.
Haiti	Telecommunications d'Haiti S.A.M.
Holy See (Vatican City)	Telecom Italia
Honduras	Empresa Hondureña de Telecomunicaciones
Hong Kong	Pacific Century CyberWorks HKT
Hungary	Hungarian Telecommunication Co. (MATAV)
Iceland	Landssiminn
India	Videsh Sanchar Nigam Limited (VSNL)
Indonesia	PT Indosat
Iran	Telecommunciations Company of Iran
Iraq	Ministry of Telecommunications
Ireland	Telecom Eireann
Israel	Bezeq
Italy	Telecom Italia
Jamaica	Cable & Wireless Jamaica
Japan	Kokusai Denshin Denwa Co., Ltd. (KDD) Nippon Telegraph & Telephone Corporation (NTT)
Jordan	Jordan Telecommunications Corporation (JTC)
Kazakhstan	Kazakhtelecom
Kenya	Telkom Kenya Limited
Kiribati	Telecom Services Kiribati Limited
Korea (South)	Korea Telecom
Korea (North)	Pycompute Pyongyang
Kuwait	Ministry of Communications
Kyrgyzstan	Kyrgyztelecom
Laos	Enterprise of Telecommunications Lao (ETL) Lao Shinawatra Telecom Company
Latvia	Lattelekom
Lebanon	Ministry of Posts and Telecommunications
Lesotho	Lesotho Telecommunications Corporation (LTC)
Liberia	Liberia Telecommunications Corporation
Libya	General Post and Telecommunications Company (GPTC)

Liechtenstein
Lithuania
Luxembourg
Macedonia
Madagascar
Malawi
Destination Market

Malaysia
Maldives
Mali
Malta
Marshall Islands
Mauritania
Mauritius
Mayotte
Mexico
Micronesia
Moldova
Monaco
Mongolia
Morocco
Mozambique
Namibia
Nauru
Nepal
Netherlands
Netherlands Antilles
New Zealand
Nicaragua
Niger
Nigeria
Norway
Oman
Pakistan
Palau
Palestine
Panama
Papua New Guinea
Paraguay
Peru
Philippines
Poland
Portugal
Qatar

Swiss Telecom PTT
Lietuvos Telekom
Luxembourg PTT
Makedonski Telekom (MT)
Telecom Malagasy (TELMA)
Malawi Posts and Telecommunications Corporation (MPTC)
Dominant Operators

Telecom Malaysia
DHIRAAGU
Société des Télécommunications du Mali (SOTELMA)
Telemalta Corporation
National Telecommunications Authority
Office des Postes et des Télécommunications (OPT)
Mauritius Telecom Limited
France Télécom
Telefonos de Mexico (TelMex)
FSM Telecommunications
Moldtelecom
France Télécom
Mongolia Telecommunications Company
Maroc Telecom
Telecomunicações de Moçambique
Telecom Namibia
Nauru Telcom
Nepal Telecommunications Corporation
KPN Telecom N.V.
Antelecom N.V.
Telecom Corporation of New Zealand Ltd. (TCNZ)
Enitel
Société nigérinne des télécommunications (SONITEL)
Nigerian Telecommunications Limited
Telenor AS
General Telecommunications Organization (GTO)
Pakistan Telecommunications
Palau National Communications Corporation (PNCC)
Palestine Telecommunications Company P.L.C. (PALTEL)
INTEL
Post & Telecommunications Corporation
Antelco
Telefónica del Peru
Philippines Long Distance Telephone Company (PLDT)
Telekomunikacja Polska S.A.
Portugal Telecom S.A.
Qatar Public Telecommunications Corporation

Réunion
Romania
Russia
Rwanda
St. Kitts and Nevis
St. Lucia
Destination Market

St. Vincent and the Grenadines
San Marino
Sao Tomé & Príncipe
Saudi Arabia
Senegal

Serbia and Montenegro
Seychelles
Sierra Leone
Singapore
Slovakia
Slovenia
Solomon Islands
Somalia
South Africa
Spain
Sri Lanka
Sudan
Suriname
Swaziland
Sweden
Switzerland
Syria
Taiwan
Tajikistan
Tanzania
Thailand
Togo
Trinidad and Tobago
Tunisia
Turkey
Turkmenistan
Tuvalu
Uganda
Ukraine
United Arab Emirates
United Kingdom

France Télécom
Romtelecom
Rostelecom
Rwandatel S.A. (RWANDATEL)
Cable & Wireless
Cable & Wireless
Dominant Operators

Cable & Wireless
Telecom Italia
Companhia Santomense de Telecomunicações, s.a.r.l. (CST)
Saudi Telecommunications Company
Société Nationale des Télécommunications du Sénégal
(SONATEL)
Serbija Telecom
Cable & Wireless (Seychelles) Ltd.
Sierra Leone Telecommunications Company (SIERRATEL)
Singapore Telecom
Slovak Telecom (ST)
Telekom Slovenije (TS)
Solomon Telekom Company
Ministry of Posts and Telecommunications
Telkom SA Limited
Telefónica
Sri Lanka Telecom
Sudan Telecommunications Company Ltd. (Sudatel)
Telesur
Swaziland Posts and Telecommunications Corporation (SPTC)
Telia
Swisscomm
Syrian Telecommunications Establishment (STE)
Chunghwa Telecom
Tajiktelecom
Tanzania Telecommunications Corporation Limited (TTCL)
Communications Authority of Thailand (CAT)
Société des Télécommunications du Togo (TOGO TELECOM)
Telecom Services of Trinidad and Tobago
Tunisie Telecom
Turk Telekomunikasyon A.S.
Turkmentelecom
Ministry of Labor, Works and Communications
Uganda Telecommunications Limited (UTC)
Ukrtelecom
The Emirates Telecommunications Corp. Ltd. (Etisalat)
British Telecom

Uruguay	Administración Nacional de Telecomunicaciones
Uzbekistan	Halqaro Telecom
Vanuatu	Vanuatu Telecom
Venezuela	Compañía Anónima Nacional Teléfonos de Venezuela
Vietnam	Viet Nam Post and Telecommunications Corporation (VNPT)
Western Samoa	Postal and Telecommunications Department

Destination Market

Dominant Operators

Yemen	Yemen International Telecommunications Company (TELEYEMEN)
Zambia	Zambia Telecommunications Company Limited (Zamtel)
Zimbabwe	Posts and Telecommunications Corporation (PTC)

Additional carriers included on this list:

All incumbent local exchange carriers in the destination markets above.

All carriers that control, are controlled by, or are under common control with, a carrier listed above in the particular destination market.

For additional information, please contact Peggy Reitzel or Mark Uretsky, Policy Division, International Bureau, (202) 418-1460.

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